

# MEMO ENDORSED

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December 8, 2023

Hon. Jessica G.L. Clarke, Judge  
United States District Court for the  
Southern District of New York  
500 Pearl Street  
New York, N.Y. 10007-1312

Re: Mohamed John Akhtar et al. v. Eric Adams et al.  
23-cv-06585 (JGLC)

Dear Judge Clarke,

I represent Plaintiffs in the above captioned matter and offer this correspondence consistent with Local Rule 2(e). I am in receipt of a *pro se* dispositive motion filed by defendant Mr. Eric Eisenberg, Esq. That motion was filed on or about, November 27, 2023; plaintiffs' response in opposition is due on December 11, 2023.

Since before the filing of Mr. Eisenberg's motion, I had been incapacitated with a severe, viral influenza infection. I tried to avoid such an occurrence by vaccinating several months ago, but to no avail. Medically, I am considered to be in a high-risk category and continue under treatment.

On Thursday, December 7, 2023, I contacted Mr. Eisenberg via email to explain my situation and ask for an extension to file plaintiff's response. By reply that same day, Mr. Eisenberg stated, in part, that "...I think it would be 'best' to handle this motion according to the standard briefing schedule."

I hope I am wrong, but I am reasonably of the belief that Mr. Eisenberg's "best" means "no," and I am sure he did not say "yes" to plaintiffs' request. Thus, I must appeal to the Court directly, and I wanted to do so before the expiration of the due date.

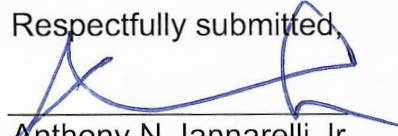
Today, December 8, 2023, I received a note from my physician, Dr. Christopher M. Shaari, M.D., to support my request for the adjournment. Because of the importance of my request and the potential consequences, I am waiving, for this issue only, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) safeguards that would normally apply to the contents of this letter. And I am voluntarily providing a copy of the doctor's note to the Court and the parties.

This is plaintiffs' first request for such relief, I am only requesting a 14 day extension from Monday, December 11, 2023, with Plaintiffs' response due on or before December 26, 2023. (I mistakenly asked for Mr. Eisenberg for a 30 day extension.) I am not asking for any consideration for the intervening holiday period, so I do not believe any prejudice would accrue to parties by this request.

Thank you for your consideration of the foregoing.

And, because it is my nature, I sincerely wish everyone a safe and joyous holiday season.

Respectfully submitted,



Anthony N. Iannarelli Jr.  
Attorney at Law

Copied via ECF

Ms. Kerri A. Devine, Esq.  
Ms. Genan F. Zilkha, Esq.  
Mr. Eric Eisenberg, Esq.

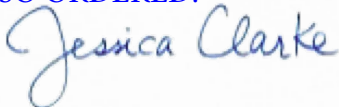
Via Hand

Mr. Mohamed J. Akhtar  
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The Court is in receipt of the parties' letters. ECF Nos. 31-32. The deadline for Plaintiff's opposition to the motion to dismiss (ECF No. 24) is EXTENDED to **December 27, 2023**. The deadline for Defendant Eisenberg's reply is EXTENDED to **January 23, 2024**.

The Clerk of Court is directed to terminate ECF No. 31.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: December 11, 2023  
New York, New York